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Mr. P. SAGARAM :—“I only oppose the resolution, Sir.”

Mr. B. Venkataratnam in a short Telugu speech moved that the resolution might be postponed till the October sitting of the Council, as all the Kistna representatives were not present.

Mr. A. RANGANATHA MUDALIYAR :—“I second the motion for postponement of the resolution till the October sitting.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“Sir, before the motion is put, may we have an idea as to what the Government would say on this matter?”

The hon. Mr. N. E. MARJORIBANKS :—“Sir, it is not for me to oppose the motion or to say that the hon. Members should not make any recommendation they please. I only wish to say that in this matter the Government have so far a perfectly open mind, and they have asked the Collector to consider the relative advantages and disadvantages of all places and to make his recommendations. They would be very glad to hear the views of those hon. Members of this Council who come from the districts in question. The Government would be glad to hear what they have got to say before coming to a conclusion on the question. If the Council postpones the discussion till October, it is quite possible that we may receive the report in the interval and have to come to a decision. It would be better if Government had the benefit of hearing the views of the Members of this Council before they had to decide the question.”

Mr. P. ANJANEYULU :—“Sir, may I request the hon. Member to let us know whether the Government can conveniently postpone their decision till the October sitting, if it will not interfere with administrative affairs, so that there may be full opportunity for other hon. Members to speak and also for us to know what the Collector’s report will be?”

The hon. Mr. N. E. MARJORIBANKS :—“I can give no undertaking, Sir.”

The motion that the resolution be postponed till the October sitting of the Council was put and carried, and it was decided to put the resolution first among the non-official motions at that meeting.

DECLARATION OF MAUNDY THURSDAY AS HOLIDAY.

Rao Bahadur CRUZ FERNANDEZ :—“Sir, I move

‘That this Council recommends to the Government that “Maundy Thursday,” being an important day for the Roman Catholics, be recognized as a public holiday for the Judicial Department as in other departments of Government and be declared as such under the Negotiable Instruments Act XXVI of 1881.’

“I have nothing more to add, Sir, than what is stated in this resolution. As you all know, Maundy Thursday is an important day. It is a holiday for every department, and I do not understand why the Judicial Department alone should be deprived of this holiday. As regards the declaration under the Negotiable Instruments Act, there seems to be some difficulty for declaring a holiday under that Act, and so I am perfectly willing to withdraw that portion of my resolution. It may be made a sectional holiday.”

Mr. CHAVADI K. SUBRAHMANYA VILLAI :—“I second the resolution.”

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* The hon. Mr. T. E. Moir :—“I had the least idea, when I referred to Rama, of offending the sentiments of the Hindus.”

* Mr. K. Uppi Sahib :—“I do not know why my hon. Friend from Cuddapah took objection to what I said. I never said anything in disparagement of Rama. The hon. the Home Member said it was immoral not to allow their wives and children to go to their husbands. Does that theory apply only to prisoners in the Andamans? Why not the same theory be applied to prisoners in Alipuram Jail? Then I have to ask, what about other deportees?”

“Sir, I have come to the end of my speech. I thank all my hon. Colleagues who gave me their hearty support for this resolution. In conclusion, I appeal to the hon. House to pass this resolution unanimously and I hope the hon. the Home Member, for whose appointment there was an outcry from all Muhammadans, will accept this resolution and will speedily give effect to it.”

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Babadur :—“It is not my intention to cover the same ground which I traversed yesterday evening. My hon. Friend Mr. C. R. Reddi said that the reports which the Government officials have submitted could not be taken as the basis for proceeding with our schemes. Hon. Members should know that the report given by officials must be correct. Otherwise, if they were to mislead the Government and then we find that the Andamans are not as described by them, these officials would be dealt with. Therefore there is no motive in these officials drafting such a report.”

* Mr. SAMI VENKATACHALAM CHETTIYAR :—“Which of the two reports is correct?”

Mr. C. RAMALINGA REDDI :—“Is it suggested that the report of the non-officials is incorrect?”

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Babadur :—“I never said anything about the non-official report. We have got the report of the Jails Committee which said some years ago that the place was malarial. I suppose that most of the members of this House are aware that several Municipal Councils in the discharge of their proper duties bring out schemes for eradicating malaria from their locality. It is not very difficult to convert a place which is malarial to-day to become non-malarial to-morrow.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“I do not know if such good results have been achieved in the Andamans.”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Babadur :—“Hon. Members of this House are aware that there was a controversy with regard to the Tondiarpet sewage farm in this city some years back. There were two schools of thought. One was that this sewage farm was the cause of malaria in that place and the other was that it was not. Afterwards anti-malarial steps were taken and that place is absolutely free from malaria now.

* Mr. SAMI VENKATACHALAM CHETTIYAR :—“Were any such anti-malarial measures taken?”

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will be closed and the Court officers say that they have no proper safeguards for the safe custody of the moneys. Another difficulty that is felt is in the matter of purchasing stamps for filing suits on penultimate Saturday, the litigant public cannot obtain stamps on that day. Such are the difficulties felt by the litigant public in general and the judicial administration also feels much handicap owing to the fact that one day in the month is taken away from the list of public holidays. I therefore move that the penultimate Saturday may also be declared a holiday for civil courts in the mufassal."

* Mr. R. SRINIVASA AYYANGAR :— "Sir, in seconding this motion I should like to say a few words. It seems to me that depriving the Judicial Department of the holiday on the penultimate Saturday is a serious blunder which this Government has committed. While every department in charge of this Government has the benefit of this holiday, there is absolutely no reason why the Judicial Department alone should have been singled out for this purpose. Having regard to the nature of the work which these judicial officers have been turning out and the variety of work which besieges them and the numerous reports with which they are bombarded every day, there is absolutely no reason why they should not have the benefit not only to take rest but also to enable them to deliver what is absolutely necessary, well-considered judgments. This practice of observing penultimate Saturday has been in vogue for a series of years, and by one stroke of the pen, the department has been deprived of it. I have heard complaints from judicial officers, whose names I shall not disclose, against this injustice that has been inflicted upon them perhaps unconsciously in the interests, if not of efficiency, at least of economy. In matters like this, economy should take really a subordinate position. In this view, I hope the hon. the Law Member will see his way to accept this amendment."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :— "Sir, I also rise to support this amendment. Those who have got experience of 3-30 p.m. civil courts in the mufassal will have no doubt whatever about the attitude they will have to take in the matter. Almost every day, Sir, there are a number of petitions and other small things on which orders have to be written by the officers presiding over the various courts. They hardly find time to do that during the week days as they work five or six hours a day in court. If in the course of two or three weeks they have got big suits to dispose of by trial and have to write judgments in them, they find no time to do that work, with the inevitable result that they have to wait for a convenient holiday or have to do their work by bits from time to time for weeks afterwards. They naturally forget in the meantime what took place during the trial and during the argument stage of the case. It seems to me, Sir, that the arrangement which has been brought in as a sort of retrenchment proposal is really working against the interests of the clients, and in many cases causes great hardship. For, when the judges find that they have got a large number of judgments to write, they have to go and write judgments at home and not in court. I know cases, Sir, where judgments have accumulated and judges had no time to write their judgments. I may give, for instance, one example of a District Judge who used to go away for two or three days once in a fortnight to another place, just for the sake of writing judgments. I do not know whether an arrangement like that is really leading to retrenchment. If, on the other hand, there was this penultimate Saturday, he would not

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have had the excuse to go and stop away in another place for two or three days for the purpose of writing judgments. So, Sir, it seems to me that the present arrangement is not working satisfactorily and is leading to inconvenience, delay and all sorts of unsatisfactory results. Therefore, in view of that, I hope that the Government will reconsider their position, understand the real difficulties and the real work that has to be turned out by judicial officers and then allow this holiday. I may state at once that it is not intended, so far as I am concerned, as a sort of holiday for the judges; on the other hand, it is more for the purpose of giving them a day for satisfactorily doing their work. They have to write their judgments only on holidays. If for that purpose you allow one day in the month, they will be able to get through one or two big cases. It is absolutely necessary that they should have one or two days in the month for writing their judgments. It seems to me that we may go back to the old arrangement and allow them this holiday. I may also state, Sir, that there is absolutely no reason why any difference should be made between the judicial officers and the other officers. It is true that Divisional Officers, for instance, have got their arduous work to do, but they have got their holidays too. These judicial officers are doing similar work, i.e., they do their office work and judicial work in the court and write their orders at home. Several of us forget the work they are doing at home by way of writing their orders and judgments. It is probably due to this fact that it was thought that these judicial officers can afford to work on Saturdays as well. For these reasons, Sir, I beg to support the amendment that has been moved."

* Diwan Bahadur M. KRISHNAN NAYAR:—"It seems to me, Sir, that this amendment may very reasonably be accepted on behalf of Government by the Law Member. As my friend Mr. Ramalinga Chetti stated, this amendment is not intended to give rest to the judicial officers. They are a set of hard-working officers and many of us who are either now in the legal profession or were once in it as practitioners or judges, know that this Saturday is very necessary for judicial officers to write their judgments. Ordinary judgments can be disposed of by them either in court if they find time or at home on ordinary week days. But they should necessarily postpone important judgments to be written on a holiday and the grant of one day in a month to enable them to write important judgments will facilitate their work and also improve the quality of their judgments in important cases. I should think, Sir, that for these reasons my friend the hon. the Law Member will see his way to accept this amendment."

Mr. P. ANJANEYULU:—"Mr. President, Sir, when some time ago a question was put to the hon. the Law Member whether the Government would include this as a holiday, the reply was made that no representations in the matter were received. After this holiday was removed in the mufassal courts, we have honestly tried to see how it worked. The reasons that were stated by Mr. Rameswara Rao are reasons that are common to all officers including judicial officers whose lot it has been to work in the mufassal courts. It is very difficult, Sir, sometimes, to get court-fee stamps from the taluk offices on the penultimate Saturday, which is a holiday with them, but when the civil courts have to work. It is equally the experience of judicial officers, corroborated, I am sure, and will be corroborated perhaps by other vakil friends in this hon. House, that the judges do not find it

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convenient for them to write their judgments in time and sometimes these judgments are delivered long after the arguments are over and perhaps after numbers of cases have been tried. The effect of the argument and even the freshness of the case in their minds are lost sight of and the judgments have therefore so much to suffer. For these reasons, Sir, I hope it will be found possible for the hon. the Law Member to comply with the request made by the mover."

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ Mr. President, Sir, I shall deal with these two questions separately. With regard to ‘Maundy-Thursday’ I recognize that it is the Thursday which precedes Easter Sunday and being also a particularly sacred institution, it will be hard to require the members belonging to the Roman Catholic persuasion to attend courts and offices on that day. So, I am prepared to accept the amendment declaring that Maundy-Thursday should be treated as a sectional holiday for Roman Catholics. It will however be impossible, I think, having regard to the small number of Roman Catholic employees in offices to make it a general holiday.

“ It was not without some reason that I waited to see what the general opinion of this hon. House was with regard to the other question, viz., the question of the penultimate Saturday. Hon. Members of this House would have realized what the history of this matter was. At present, the Government have memorials before them from practically all District Munsifs, and a number of Sub-Judges and District Judges, including very senior District Judges who have pointed out the practical difficulties undergone by them with reference to the enforcement of the penultimate Saturday as a working day. I may also say that the High Court has recommended this request of reverting to the old state of things for the consideration of the Government.

“ It will be within the recollection of hon. Members of the House that this change was introduced on the recommendation of the Judicial Retrenchment Committee. While they were exploring various avenues for economy and retrenchment, the Judicial Retrenchment Committee came to the conclusion that an experiment might be made by declaring the penultimate Saturday as a working day. Government, before issuing orders, consulted the High Court, about 17 District Judges, a number of Sub-Judges and District Munsifs; and the bulk of judicial opinion was against the step that the Government took even then. But having regard to the consideration that weighed very strongly with the Government, we wanted to try the experiment of treating the penultimate Saturday as an ordinary working day. We find now that practically every one connected with the administration of civil justice is agreed that there should be a reversion to the old system. As one who has had some experience of law courts, I may say that I respectfully share that opinion and Government are perfectly prepared to accept the amendment moved by the hon. Member.”

* Mr. A. RANGANATHA MUDALIYAR :—“ I only want to know if the vacation will be proportionately reduced”.

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ That is a matter which may be separately investigated.”

* Mr. J. A. SALDANHA :—“ I only want to draw attention to a little terminological inaccuracy. I want to know whether this holiday can be

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declared as such under the Negotiable Instruments Act. I would omit if necessary, the words 'under the Negotiable Instruments Act.' I for one think that the words are superfluous."

* The hon. Sir C. P. RAMASWAMI AYYAR :—“The terminological inexactitude is not on my part, I am afraid. The point is this. Originally, the motion was that Maundy Thursday should be a general holiday and should be declared a holiday under the Negotiable Instruments Act. In supersession of that, an amendment was moved that it should be declared only as a sectional holiday for persons of the Roman Catholic persuasion. I take it that that is the position, unless I have misunderstood it.”

* The hon. the PRESIDENT :—“Now the resolution as amended will read thus :—

‘That this Council recommends to the Government that Maundy Thursday be recognized as a sectional holiday for Roman Catholics in the Judicial department and that the penultimate Saturday of every month be declared a general holiday for the Judicial department.’

“Will the Mover of the resolution please take note of that and tell me if he accepts the resolution in that form?”

Rao Bahadur CRUZ FERNANDEZ :—“I accept it.”

* Mr. A. RANGANATHA MUDALIYAR :—“I think we will have to say ‘in the mufassal.’”

* The hon. the PRESIDENT :—“It will then read as follows :—

‘That this Council recommends to the Government that Maundy Thursday be recognized as sectional holiday for Roman Catholics in the Judicial department and that the penultimate Saturday of every month be declared a general holiday for the Judicial department in the mufassal.’

Mr. M. RATNASWAMI :—“It is better to keep these two amendments separate, because some members may be willing to vote for the one and against the other. They may be put separately.”

* The hon. the PRESIDENT :—“I have no objection to put the two parts of the resolution separately if hon. Members desire it.”

The hon. Sir C. P. RAMASWAMI AYYAR :—“I have also no objection.”

The hon. the PRESIDENT :—“The question before the House is :—

‘That this Council recommends to the Government that Maundy Thursday be recognized as a sectional holiday for Roman Catholics in the Judicial department.’

The motion was put and carried.

* The hon. the PRESIDENT :—“The next question before the House is :—

‘That this Council recommends to the Government that the penultimate Saturday of every month be declared a general holiday for the Judicial department in the mufassal.’

The motion was put and carried.

The President declared the whole motion as amended carried.